

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:14-cv-00161-FDW

LISA LYONS,)	
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. No. 16). For the reasons stated herein, the motion is GRANTED.

The Court grants this motion pursuant to the power of this Court to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States, including proceedings for judicial review of an agency action, under the Equal Access for Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's April 30, 2015 Order remanding this case to the Defendant Acting Commissioner for further administrative proceedings.

IT IS HEREBY ORDERED that the Court will award attorney fees in the amount of three thousand four hundred twelve dollars and seventy-five cents (\$3,412.75) in full satisfaction of any and all claims Plaintiff may have in this case under the EAJA. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's Ruling in Astrue v. Ratliff, 130 S. Ct. 1251 (2010), these attorney fees are payable to Plaintiff as the prevailing party and are subject to offset

through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's September 29, 2014 signed assignment of EAJA fees, providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff, rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to her counsel.

IT IS SO ORDERED.

Signed: May 19, 2015



Frank D. Whitney
Chief United States District Judge

